

**STATE OF CONNECTICUT
DEPARTMENT OF CONSUMER PROTECTION
CONNECTICUT REAL ESTATE COMMISSION
Minutes of Meeting
August 7, 2013**

The Connecticut Real Estate Commission convened on Wednesday, August 7, 2013 at 9:15 a.m. in Room-126 of the State Office Building, 165 Capitol Avenue, Hartford, CT 06106.

Commissioners Present: Marilyn L. Keating, Acting Chairperson (Salesperson – 4th District)
Joseph B. Castonguay (Broker – 2nd District)
Lana K. Ogrodnik (Broker – 5th District)
James B. Hoffman (Salesperson – 4th District)
Linda C. Burnham (Salesperson – 2nd District)
Morag L. Vance (Public Member – 4th District)
Joseph H. Kronen (Public Member – 1st District)
Theodore F. Ells, Esq. (Public Member- 3rd District)

Commissioners Absent: None

Commission Vacancy: None

Attorney General's Office: None

DCP Staff Present: Michele Erling Richard Maloney
Kelly Harvey Matthew Micari - Intern
Vicky Bullock Kristine Victor - Intern
Robin Washbond

Public Present: Laurence Hannafin Judith Johannsen
Sally Carr Steven Blaine
Jeffrey Mirman, Esq. Richard Nwadukwe
Greg Kamedulski

The next meeting of this Commission is scheduled for Wednesday, October 2, 2013 at 9:15 am in Rm-126

SWEARING IN OF NEW MEMBER, LINDA C. BURNHAM

Attorney Vicky Bullock swore in Linda C. Burnham, as a new member of the CT Real Estate Commission.

The Commission members and staff congratulated Ms. Burnham on her appointment.

MINUTES OF PREVIOUS MEETINGS

It was moved by Commissioner Ells, Commissioner Vance 2nd, and the motion carried to approve the minutes of the June 5, 2013 CT Real Estate Commission meeting.

COMMENTS OR CONCERNS OF ANY PERSON PRESENT TODAY

None

CHRO

Steven Blaine – Motion for Reconsideration

The Commission advised Mr. Blaine that he is required to have a sponsoring broker due to his felony conviction and that he may reappear before the Commission with his sponsoring broker, for reconsideration of his Salesperson application.

NEW BUSINESS

Toll Brothers, Inc.

It was moved by Commissioner Castonguay, Commissioner Ogrodnik 2nd, and the motion carried that the Commission reconsider its decision that the Toll Brothers program is in violation of the State Statutes.

Commissioner Kronen recused himself from this matter.

Commissioner Burnham recused herself from this matter.

It was moved by Commissioner Castonguay, Commissioner Ogrodnik 2nd and the motion carried (read into the record by Commissioner Castonguay :) *that the Commission vacate its decision that the Toll Brothers program violates Connecticut General Statutes, Section 20-311(3) and Section 20-325 and Section 20-328-8a and find that there is no violation of said statutes as long as the homeowners have no role or activity in any home sale outside a basic referral that the homeowner can only refer to family and friends, and that the monetary gift will be paid by Toll Brothers, Inc., and not the real estate company; and paid outside the closing; and that it will have no effect on any commission; and that all participants will strictly follow the program requirements.*

That the Commission's finding is conditional, as the Commission reserves the right to review each future transaction in order to determine whether or not it conforms to the program requirements provided by Toll Brothers at the Commission hearings.

The Commission shall require Toll Brothers to enforce the program requirements and submit yearly reports to the Commission, due December 31st of each year, until further notice, describing in detail the previous eleven and a half (11 ½) month's transactions in which a monetary gift was given to a homeowner, including name and address of the homeowner, nature and amount of the gift, real property involved, circumstances surrounding the giving of the gift, name of the homebuyer, homebuyer's relationship to recommending homeowner, and the way the gift was paid.

Moreover, to remain in compliance with the Statutes, Toll Brothers shall not advertise the program as a solicitation. Toll Brothers shall comply with all applicable laws in this transaction, including RESPA. Finally, this Declaratory Ruling by the Commission applies only and strictly to the very specific requirements and conditions of the Toll Brothers program.

Commissioner Keating read the following into the record:

The Commission vacates its earlier decision and now finds that Toll Brothers program of providing a monetary gift of up to Three Thousand (\$3,000) Dollars to a Toll homeowner who has referred a successful buyer of a new Toll home in a Toll community does not violate Connecticut General Statutes, Section 20-311(3) and Section 20-325 and Section 20-328-8a, if the Toll program requirements with Commission reservations are strictly followed. In the near future, the Commission will issue a written Declaratory Ruling.

PSI Real Estate Exam Statistics

The Commission reviewed the Connecticut Real Estate exam statistics for January 1, 2011 through June 14, 2013. Examiner Michele Erling advised the Commission that the Department is planning a review of the Connecticut law portion of the examination in the fall of 2013 and that Commission members interested in becoming part of the review committee should contact Richard Hurlburt, Director of Occupational & Professional Licensing.

Public Act No. 13-272

An Act Requiring Working Smoke and Carbon Monoxide Detectors in Certain Residential Buildings At The Time Title Is Transferred

The Commission reviewed Public Act No.13-272 and requested that this matter be put on the agenda for the October 2, 2013 meeting for further discussion.

COMMENTS OR CONCERNS OF ANY PERSON PRESENT TODAY

Judith Johannsen commented that she was confused and surprised by the Commission's decision to grant a motion for reconsideration in the matter of Toll Brothers Inc., and the Commission responded to her questions concerning the sequence of events in this matter.

Laurence Hannafin shared his concerns relative to the Commission's decision to grant a motion for reconsideration, vacating the June 5, 2013 decision and rendering a new decision in the matter of Toll Brothers, Inc.

It was moved by Commissioner Ogrodnik, Commissioner Vance 2nd, and the motion carried to adjourn the meeting at 10:00 a.m.

It was moved by Commissioner Ogrodnik, Commissioner Castonguay 2nd, and the motion carried to reconvene the meeting at 10:05 a.m.

CHRO

Jayvell Washington, RES.795689

Mr. Washington appeared before the Commission with his sponsoring broker, Richard Nwadukwe. It was moved by Commissioner Vance, Commissioner Castonguay 2nd, and the motion carried to approve Mr. Washington to sit for the Real Estate Salesperson examination.

ADJOURNMENT

It was moved by Commissioner Ells, Commissioner Castonguay 2nd, and the motion carried to adjourn the meeting at 10:17 a.m.

Respectfully Submitted,

Robin Washbond
Commission Secretary

Note: The administrative functions of the Boards, Commissions and Councils are carried out by the Department of Consumer Protection, Occupational and Professional Licensing Division. For information contact Richard M. Hurlburt, Director at (860) 713-6135 or Fax: (860) 713-7230.

Agency Website: www.ct.gov/dcp **Division E-Mail:** DCP.OccupationalProfessional@ct.gov